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Attorneys for Defendant,
 NURSES 'R' SPECIAL, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VALLEY HEALTH SYSTEMS, LLC
 d/b/a SRPING VALLEY HOSPITAL
 MEDICAL CENTER,

Plaintiff,

vs.

NURSES 'R' SPECIAL, INC., a Nevada
 Corporation, DOES 1-50 and ROE
 CORPORATIONS 1 through 20;

Defendant.

Case No. 2:09-cv-01361-JCM-LRL

MA05-23269

**STIPULATION AND ORDER FOR DISCOVERY STATUS CONFERENCE ON
 EMERGENCY BASIS**

First Request for Status Conference

COMES NOW Defendant NURSES 'R' SPECIAL, by and through its counsel of record,
 THARPE & HOWELL, LLP, and VALLEY HEALTH SYSTEMS, LLC d/b/a SRPING VALLEY
 HOSPITAL MEDICAL CENTER, by and through its counsel of record, HALL, PRANGLE &
 SCHOONVELD, LLC, and do hereby enter into this Stipulation as follows:

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I. PROCEDURAL STATUS

On March 17, 2011, the parties participated in a settlement conference before Magistrate Judge Lawrence R. Leavitt. The parties failed to reach a settlement. At that point, there were several motions pending before the court. First, Plaintiff's Motion for Summary Judgment had been pending since August, 2010. See Document #22. Also pending was Plaintiff's Motion for Qualified Protective Order, which was filed in September, 2010. See Document #23. The Court recently ruled on that motion, allowing various depositions to proceed. See Document #49. Defendant quickly noticed numerous depositions following that ruling, including of several of Valley's Persons Most Knowledgeable. However, the Court recently granted Plaintiff's Motion for Partial Summary Judgment, which raises numerous discovery related issues, including the scope of permissible discovery. See Document #50. As those issues are still outstanding, the timeline for discovery must also be revisited. Further, in the coming days, Defendant will be filing a motion with the trial court, the result of which will directly impact the scope of discovery, and will likely clarify the issues to be tried. It is anticipated that the parties will not have definitive guidance on numerous issues impacting discovery until that time. As such, the parties seek a discovery status conference to address these outstanding issues.

The current deadline to disclose expert reports is May 6, 2011, and the current discovery cutoff is July 6, 2011. See Document #46. The parties seek to avoid incurring unnecessary costs while these issues are outstanding, and seek additional time to conduct discovery once the scope of the triable issues have been made clear by the court's ruling. Specifically, it is unclear based on the court's recent ruling whether the issues of relative or allocated negligence will be triable issues. Of course, these are expert-intensive issues, and the parties do not want to incur such costs until it is clear that these issues are in fact triable. The parties also recognize that the possibility of a negotiated settlement will increase once these issues are decided by the court. Defendant's

1 motion, to be filed this week, will hopefully clarify these issues. The parties seek a discovery
2 status conference in order to discuss these issues, and decide upon an appropriate course of
3 discovery, including new discovery deadlines. Based on the upcoming deadlines, the parties
4 request that this status conference be held as soon as possible. The parties are amenable to a
5 telephonic conference if the Court prefers.

6 II. PREVIOUS EXTENSION

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8 On January 31, 2011, Magistrate Judge Lawrence R. Leavitt signed an Order implementing
9 the parties' stipulation to continue discovery dates. See Document #46. The stipulation was
10 based on the then upcoming settlement conference, which was held on March 17, 2011. The
11 parties agreed to continue the initial expert disclosures until six weeks after the settlement
12 conference. Shortly after the settlement conference, the court issues several rulings, calling into
13 question various discovery matters, as outlined above.

14 III. DISCOVERY COMPLETED

15 Both sides have made initial document and witness disclosures pursuant to FRCP 26(a)(1).
16
17 Nurses also made supplemental disclosures. Nurses propounded six sets of Requests for
18 Production, three sets of Interrogatories, and Requests for Admission. Nurses also took the
19 deposition of Peter Durney. The deposition of Ken Webster, was re-set for April 26, 2011,
20 following the court's limited granting of Plaintiff's Motion for Qualified Protective Order. See
21 Document #49. However, that deposition will be continued. Further, the depositions of six of
22 Valley's PMK's are set for May 6, 2011. The parties would like to continue these pending a
23 determination of the scope of triable issues, as discussed above.

24 IV. DISCOVERY THAT REMAINS TO BE COMPLETED

25 In addition to the depositions noted above, expert discovery has not been completed.
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V. REASONS WHY REMAINING DISCOVERY WAS NOT COMPLETED

The parties have not completed expert discovery due, in part, to the Court's recent rulings on several motions and the outstanding issues as to the triable issues on which discovery should be pursued. Please see Section I., above. The parties seek clarification on these issues at a discovery status conference as soon as possible.

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STIPULATION

IT IS HEREBY STIPULATED AND AGREED that A Discovery Status Conference be scheduled, at a date and time to be determined by the Court.

DATED this 27 day of April, 2011.

THARPE & HOWELL, LLP

By: 

Byron L. Ames, Esq.

Nevada Bar No.: 7581

3425 Cliff Shadows Pkwy., Suite 150

Las Vegas, Nevada 89129

Counsel for Defendant

DATED this ____ day of April, 2011.

HALL, PRANGLE & SCHOONVELD, LLC

By: _____

Michael E. Prangle, Esq.

Nevada Bar No.: 8619

Kenneth M. Webster, Esq.

Nevada Bar No.: 7205

777 N. Rainbow Boulevard, Suite 225

Las Vegas, Nevada 89107

Counsel for Plaintiff

ORDER

Pursuant to the foregoing Stipulation and good cause showing therefore, a Discovery Status Conference be set in this matter, on the ____ day of ____, 2011.

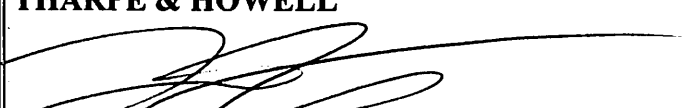
IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED this ____ day of ____, 2011.

Submitted by:

THARPE & HOWELL


Byron L. Ames, Esq.

Nevada Bar No: 7581

3425 Cliff Shadows Parkway

Las Vegas, NV 89129

Counsel for Defendant

STIPULATION

IT IS HEREBY STIPULATED AND AGREED that A Discovery Status Conference be scheduled, at a date and time to be determined by the Court.

DATED this ____ day of April, 2011.

THARPE & HOWELL, LLP

By: _____

Byron L. Ames, Esq.
Nevada Bar No.: 7581
3425 Cliff Shadows Pkwy., Suite 150
Las Vegas, Nevada 89129

Counsel for Defendant

DATED this 27 day of April, 2011.

HALL, PRANGLE & SCHOONVELD, LLC

By: _____

Michael E. Prangle, Esq.
Nevada Bar No.: 8619
Kenneth M. Webster, Esq.
Nevada Bar No.: 7205
777 N. Rainbow Boulevard, Suite 225
Las Vegas, Nevada 89107

Counsel for Plaintiff

ORDER

Pursuant to the foregoing Stipulation and good cause showing therefore, a Discovery Status Conference be set in this matter, on the 16th day of May, 2011, at 1:30 p.m. in Courtroom 3C.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED this 6th day of May, 2011.

Submitted by:

THARPE & HOWELL

Byron L. Ames, Esq.
Nevada Bar No: 7581
3425 Cliff Shadows Parkway
Las Vegas, NV 89129
Counsel for Defendant